

**INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION
EXECUTIVE COMMITTEE**

**Conference Call
September 13, 2022
MEETING MINUTES**

Call to Order
Chair Spangler (WV)

The Executive Committee of the Interstate Medical Licensure Compact Commission convened at 12:03 PM, Eastern Time via conference call and was called to order by Chair Spangler (WV).

Roll Call
Secretary Smith

The roll was called, and a quorum was established.

Members Present

Commissioner Spangler (WV) - Commission Chair
Commissioner Silas (AL) - Treasurer and Chair of the Budget Committee
Commissioner Rodman (KY) - Chair of the Communications Committee
Commissioner Herlihy (VT) - Chair of the Personnel Committee
Commissioner Martinez (MN) - Chair of the Rules and Administrative Procedures Committee
Commissioner Manahan (MN) - Chair of the Technology Committee

Members Absent

Commissioner Cushman (NE) - Past Chair
Commissioner Farrelly (MD) - Commission Vice Chair

Staff Present

David Clark, Operations Manager; Dale Watts, IT Manager, Marschall Smith, Executive Director and Secretary; Rick Masters, Legal Counsel

Other commission members and members of the public

None identified

Approval of agenda
Chair Spangler (WV)

An agenda was provided to the members prior to the meeting.

MOTION

MOVED BY COMMISSIONER HERLIHY (VT), SECONDED BY COMMISSIONER SILAS (AL), TO APPROVE THE AGENDA.

MOTION PASSED

UNANIMOUS

Approval of the minutes
Executive Director Smith

The draft minutes from the August 9, 2022 meeting was provided to the members prior to the meeting for their consideration. A request was made by Commissioner Silas to change the words in the Budget Committee report, first bullet item to read "A financial report of...". The request was accepted and change made.

MOTION

MOVED BY COMMISSIONER RODMAN (KY), SECONDED BY COMMISSIONER HERLIHY (VT), TO APPROVE THE AMENDED AUGUST 9, 2022 MINUTES.

MOTION PASSED

UNANIMOUS

Budget Committee
Commissioner Silas (AL)

The committee met on August 16th with 6 members present. The discussion included:

- A financial report of the FY2023 budget, including revenue and expenses to the end of July. The unaudited information

indicates that revenues are trending higher than budgeted. The organization is fiscally healthy and growing responsibly.

- The Account Transfer Report was reviewed at the meeting. The report contains information about transfers between accounts, interest earned, and investment account data.
- The committee authorized the executive director to execute a strategy of purchasing Certificates of Deposit (CD) at FDIC insured institutions, funded from the reserve funds held in regular savings accounts, reducing the savings accounts to a minimal balance. The move will create a higher interest rate on the accounts, while maintaining the FDIC requirement.
- The next meeting is scheduled for September 20, 2022.

Communication Committee

Commissioner Rodman (KY)

The committee met on August 16th with 7 members present. The discussion included:

- A review of the 1st draft of the FY2022 Annual Report, with the goal to have a final version for consideration and review at the September committee meeting.
- Requested that a “Style Guide” be created for use in creating and publishing Commission documents. Staff were charged with beginning the project and reporting progress.
- Review of emails sent as a result of the submission of a physician’s renewal application. This is part of the process, where the committee is reviewing the content of all emails sent as a result of the various applications.

Personnel Committee

Commissioner Herlihy (VT)

The committee met on August 10th. The discussion included:

- The executive director’s evaluation.
- The evaluation is scheduled to take place shortly.
- The committee does not have a meeting scheduled for September.

Rules & Administrative Procedures Committee

Commissioner Martinez (MN)

The committee met on August 23rd and held a special meeting on August 26th. The discussion included:

- Review and discussion regarding making changes to IMLC Rule Chapter 6.
- If changes to the rule should be made, starting the rulemaking process so that a rulemaking hearing could take place at the November 8th commission meeting. The discussion also outlined the timeframe for comments to the proposed changes.
- The committee authorized the executive director to initiate the rulemaking process, publish the proposed change to the rule, and to provide notice requesting comments to the proposed changes.
- The committee reviewed Advisory Opinion 09-13-2022 and provided comments to Mr. Masters regarding suggested changes to the document.
- The committee will meet in late September to consider the comments received.

Technology Committee

Commissioner Manahan (MN)

The committee will meet on September 8th. The discussion included:

- The monthly IT Manager report
- Progress regarding the announcement of the publication of the IMLCC’s first Application Programming Interface or API. The API

will allow system to system interaction on physician applications.

- The RFP for the Enhanced Physician Portal bid process closed on August 15th. The next step is for staff to review the bids and provide a summary and recommendations at the October meeting. The committee will review the staff recommendations and related bid documents at future meetings, starting in November, in order to prepare the committee's recommendation to the Executive Committee regarding awarding the bid.

Executive Director Update *Executive Director Smith*

An update was provided regarding:

- August work load
 - Phone calls = 947 (811 July)
 - Emails = 902 (818 July)
- August processing volume
 - Applications processed = 1,593 applications (1,302 July)
 - Licenses issued = 2,766 licenses (1,848 July)
 - Previously issued licenses renewed = 1,045 (1,114 July)
- August member board remittances
 - Transactions = 5,315 (4,605 July)
 - Fees paid to member boards = \$1,876,573.05 (\$1,268,502.05 July)
- August inquires on LOQs issued
 - 3 inquiries and 2 disciplinary actions
 1. Dr. VM
 - Disciplinary actions were taken by 2 different member boards. The physician has been subject to 8 disciplinary actions dating back to February 2022. The actions are a result of a Joint Investigation.
 2. Dr. AK
 - A member board questioned if the physician had successfully completed their graduate medical education in the United States.
 - The SPL determined that the LOQ was invalid and the impacted member boards were notified.
 3. Dr. TLE
 - A member board questioned if the physician's selection of the SPL was properly determined.
 - The question is still open
 4. Dr. FS
 - In June 2022, a member board questioned if the physician's selection of the SPL was properly determined. The SPL determined that the LOQ was valid twice, as recently as August 2022 and provided the employer information.

- The member board who raised the question initially, continues to refuse to issue the requested license. This is the 2nd situation where this member board has refused to issue a requested license with a valid LOQ and the payment of fees.
- Active legislation in 3 states: MA, NC, and NY
- Agenda items and discussion topics are requested from Commissioners, due no later than October 5, 2022.
- IMLCC Staff and office update
 - The Controller position is now vacant. All other positions are filled.
 - Office hours are Monday to Friday, 8:00 AM to 8:00 PM Eastern.

Discussion Items

Marschall Smith, Executive Director and Rick Masters, IMLCC Attorney

Discussion Item #1 - Commissioner Herlihy reported that a new organization is expanding their practice outside of Vermont. A concern was raised by the group that there were reported problems regarding processing times of applications. The executive director reported that contrary to the rumor, the processing times have consistently met or were earlier than the averages published as part of the annual data study. Additional information would be provided by the executive director as part of a separate conversation after this meeting.

Discussion Item #2 - The ongoing concern about gaining authorization for member boards to access to the FBI's Criminal History Record Information or CHRI information. The executive director and Mr. Masters reported that this is a broad concern shared by all health care related compacts. The FBI appears to be providing or denying access in a random manner, where by some boards are provided access and other boards are denied. The Council of State Governments (CSG) continues to work toward a solution, including federal legislation that would include making compact access to the CHRI information a mission of the FBI.

Discussion Item #3 - A draft Advisory Opinion Number 09-13-2022, which was prepared by legal counsel was presented and discussed. The Advisory Opinion was requested by the Executive Committee at its August 9, 2022 meeting. The Advisory Opinion had been reviewed by the Rules & Administrative Procedures Committee during its August 23rd and 26th meeting and the document being reviewed included comments from the committee. A general discussion was held, including concerns about potential issues raised regarding the disciplinary requirements in the IMLC Statute and Rules. Many members expressed concern about the Advisory Opinion as presented and felt that it was advisable to hold the issuing an advisory opinion until after the rulemaking process had been completed. The members were assured that an advisory opinion issued in the future would be based on the situation as it existed at that time should it be determined that this advisory opinion not be published. The question was called and a motion made.

MOTION

MOVED BY COMMISSIONER MANAHAN (MN), SECONDED BY COMMISSIONER RODMAN (KY), TO TABLE THE PUBLICATION OF THE ADVISORY OPINION 09-13-2022 AND FOR THE MATTER TO BE

RECONSIDERED AT A FUTURE DATE. SHOULD THE ADVIORY OPINION BE RECONSIDERED, IT WOULD INCLUDE A COMPLETE, FRESH REVIEW OF THE MATTER IN QUESTION AND NOT BOUND BY ADVISORY OPINION 09-13-2022.

MOTION PASSED

UNANIMOUS

Commissioner Comments

Chair Spangler (WV)

There were no comments provided

Public Comments

Chair Spangler (WV)

There were no comments provided.

Adjournment

Executive Director Smith

There being no further business, the meeting was adjourned at 1:20 PM Eastern Time.